THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15323 of 2007

Dated: 31-07-2007

Between:

P.Nagaraju.

..... PETITIONER

AND

The District Collector, Kurnool, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15323 of 2007

ORDER:

The petitioner filed instant writ petition seeking a writ of Mandamus directing the respondents to issue a patta in respect of land admeasuring Acs.5.00 (subject land) in survey No.665/1 situated at Karivemula Village, Devanakonda Mandal, Kurnool District, and to consider his case for issue of pattadar passbook (PPB) immediately.

The case of the petitioner is that his mother – Lakshmamma was in possession and enjoyment of land admeasuring Acs.9.83 in said survey number for the last four decades. The petitioner and his family members, who are landless poor persons, are cultivating the same. In 1983, Tippamma and Ramanna were given patta in respect of said extent of land i.e., Acs.9.83. Then mother of the petitioner raised objections. An enquiry was conducted, as a result of which patta granted in favour of said persons was cancelled by proceedings dated 09.03.1984 issued by third respondent. Mother of the petitioner was enjoying said land along with the family members. It is also the case of the petitioner that out of said extent of Acs.9.83 of land, he was allowed to cultivate subject land i.e., Acs.5.00 by his mother. He obtained a loan from the Scheduled Caste Corporation, Kurnool, for the development of subject land. When one Nagamma and two others tried to interfere with his possession, the petitioner gave a representation to the respondents on 13.03.2007. He requested third respondent to grant patta giving a regular assignment, in vain. Therefore, he filed instant writ petition.

When the matter was heard at preliminary stage on 23.07.2007, the learned Assistant Government Pleader for Revenue (General-A) was directed to get instructions. Today, after getting instructions, the learned Assistant Government Pleader submits that land admeasuring Acs.9.83 was assigned to Tippamma and Ramanna in 1969. The petitioner filed O.S.No.15 of 2004 on the file of the Court of the Junior Civil Judge, Pattikonda, against first and third respondents herein, which was dismissed. The learned Assistant Government Pleader also submits that the petitioner is not in possession. He, however, does not dispute that the application made by the petitioner is pending.

There is dispute as to whether the petitioner is in possession of the subject land or not. The same, however, cannot be a ground to keep the application made by the petitioner for assignment pending. Therefore, this Court observes that third respondent should immediately pass necessary orders within a period of two weeks from the date of receipt of a copy of this order, if the representation made by the petitioner on 13.03.2007 is still pending. It is also open to the petitioner

to approach third respondent with a copy of this order.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

31st July, 2007
ghn